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IN THE

Supreme Court of the United States

OCTOBER TERM, 1994

FREIGHTLINER CORPORATION, *ET AL.*,
Petitioners,

v.

BEN MYRICK, *ET AL.*,
Respondents.

On Writ of Certiorari to the
United States Court of Appeals
For the Eleventh Circuit

BRIEF FOR PUBLIC CITIZEN, INC. AS *AMICUS CURIAE* URGING AFFIRMANCE

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INTEREST OF *AMICUS CURIAE*

Public Citizen, Inc. is a nonprofit organization with approximately 100,000 members nationwide. Among its major areas of attention have been the prevention of injury to consumers from unreasonably dangerous products and assuring that accident victims can obtain adequate redress for their injuries in the courts. To realize these goals, Public Citizen has long recognized that there must be both strong regulations and an effective tort system, because each complements the other. Moreover, while both systems have a role in preventing unsafe products, it is only the tort system that provides compensation for injured victims.

Public Citizen's President, Joan B. Claybrook, is a former Administrator of the National Highway Traffic Safety Administration ("NHTSA"), which has regulatory jurisdiction over the air brakes involved in this case. Public

Citizen's founder and former President is Ralph Nader, whose pioneering work is largely responsible for the passage of the National Highway Traffic Safety Act of 1966, 49 U.S.C. § 30101 *et seq.* (1994 Supp.)(the "Highway Safety Act"), which gave NHTSA its principal regulatory powers. As a result of the work of Ms. Claybrook, Mr. Nader and others who have effectively enforced the Highway Safety Act, there has been a vast improvement in safety of automotive vehicles in the United States, resulting in the savings of thousands of lives and the prevention of untold injuries. At the same time, there continue to be thousands of crash victims needlessly injured on our nation's highways—victims whose common law rights to seek compensation are expressly preserved by the Highway Safety Act. *Id.*, § 30103(e).

Public Citizen's expertise regarding regulatory issues extends beyond auto safety and includes matters subject to regulation by agencies such as the Food and Drug Administration, the Occupational Safety and Health Administration, the Nuclear Regulatory Commission, the Consumer Product Safety Commission and the Federal Aviation Administration. Each of those agencies issues important safety rules, and yet, as we explain below, none of them can do the job of protecting American lives on its own. Nor can NHTSA here. In this brief, which is filed with the consent of the parties, we explain why the regulatory system cannot reasonably be expected to be the sole protector of the safety of the products or services sold to American consumers.

INTRODUCTION AND SUMMARY OF ARGUMENT

Although not so plainly stated, the position of petitioners and their *amici* is that, once a federal agency issues a safety standard on a given subject, state laws which give rise to a claim for monetary damages for personal injuries involving the same subject-matter may not impose a duty of care greater than that imposed by the federal standard, because to do so would be "inconsistent" or create a "con-

flict" with the federal standard. This is true, petitioners and their *amici* argue, no matter how long ago the federal standard was issued, how inadequate it may be in light of more recent technology, or even how inexpensive it would be for the manufacturer to remedy a particular defect or problem.

The briefs for respondents and their other *amici* will demonstrate the legal fallacy of the assumption that Congress intended standards issued by NHTSA to preclude common law claims for damages on the theory that the Highway Safety Act operates as a minimum and a maximum, both as a regulatory matter and in the tort system. In this brief, we analyze the strengths and weaknesses of our regulatory system in order to demonstrate why Congress surely did not, nor would it have wanted to, put all its safety eggs in the basket of regulation, let alone to tie the right to compensation for death or personal injury to whatever standard the regulatory agency had issued. Before turning to that discussion, however, we offer this cautionary example to illustrate the hazards of using regulatory standards as the be-all and the end-all for defining an acceptable level of public safety.

The *Titanic* carried 2227 passengers and crew on its maiden (and final) voyage in April 1912; 1494 of them died after the ship hit an iceberg and sank. At the time of this tragedy, the *Titanic* carried 16 lifeboats with room for 980 people, thus satisfying maritime safety regulations set by the British Board of Trade. Indeed, the *Titanic* exceeded this standard by carrying four additional collapsible boats which could handle another 196 people.

The Board of Trade's lifeboat standard had been set in 1894, when the largest vessel afloat was approximately one-quarter the size of the *Titanic* and other, new "super liners" such as the *Lusitania* and the *Mauretania*, which employed the most modern shipbuilding techniques and carried far more passengers than their predecessors. The Board of Trade was not oblivious to this development; in fact, an

advisory committee met to discuss the lifeboat standard in early 1911, but the committee concluded that the 17-year-old regulation was adequate. A year later, nearly 1500 people were dead in a single accident. *See* John P. Easton and Charles A. Haas, TITANIC: DESTINATION DISASTER 113-14 (1987); John Dudman, THE SINKING OF THE TITANIC 13 (1988); Paul Eddy, Elaine Potter and Bruce Page, DESTINATION DISASTER 31 (1976).

Under petitioners' view of the law, which they ask this Court to embrace, a maritime safety rule of this sort would *—and should—*immunize a cruise line from liability, even in situations where two-thirds of its passengers are killed and such a loss of life could have been prevented. Merely to state the proposition advanced by petitioners and their *amici* is to expose its essential hollowness and to demonstrate why the arguments addressed here should be rejected.

ARGUMENT

CONGRESS WOULD NOT HAVE MADE VIOLATION OF REGULATORY STANDARDS THE *ONLY* BASIS FOR TORT RECOVERY.

A. Regulatory Agencies Cannot Reasonably Be Expected To Eliminate All Unreasonable Hazards in Products Under Their Jurisdiction.

Petitioners' unstated thesis is that Congress assumed that regulatory agencies would effectively eliminate all unreasonable risks in automobiles and trucks, with the result that there would be no need for the tort system to make those products safe. As respondents argue, the Highway Safety Act's savings clause (49 U.S.C. § 30103(e)) and its legislative history make clear that Congress had no such intent in the area of motor vehicle safety; indeed, Congress specifically provided that the tort and regulatory systems would operate in tandem, as they have done for nearly 30 years.

As we now show, it was not only sensible for Congress to have taken such a position, but the contrary position urged by petitioners—that Congress intended to place sole reliance on the regulatory approach to assure safe vehicles—would have been foolhardy.

A federal safety standard, such as the one at issue here, is a "rule" within the meaning of the Administrative Procedure Act, 5 U.S.C. § 551(4), *i.e.*, "an agency statement of general or particular applicability and future effect . . .." As such, agency rules generally can apply only on a future or prospective basis. *See Bowen v. Georgetown University Hospital*, 488 U.S. 204, 208 (1988). Standards of this sort cannot help past accident victims or their families, for example, by directing the payment of monetary damages to those victims. Nor, obviously, can they undo the death or injury that took place. What safety standards can do, however, is try to prevent similar deaths or serious injuries from happening in the future.[1]

By contrast, the tort system operates on a retrospective basis. Each case requires an examination of the particular facts regarding a particular accident victim and a particular manufacturer. The goal is to provide relief, often in the form of monetary damages, to accident victims who can satisfy basic state law tort standards for recovery. The goal is not to legislate a broad rule of general applicability, although individual judgments may force a manufacturer to alter its conduct to avoid future liability.

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[1] In the case of rules affecting product design, such as standards for automobiles and trucks, standards must not only be prospective, but issued sufficiently far in advance to permit the new safety standard to be incorporated into the design and manufacture of the vehicle. The necessary lead-time can be years. But where a product has been shown to be defective in practice, the tort system provides a powerful incentive to the manufacturer to rectify the problem as soon as it arises, rather than waiting for a federal standard to take effect.

There is, of course, significant cross-fertilization between the two fields. Information obtained in individual tort suits often informs the judgment of federal regulators about whether existing standards are adequate, or whether new protections should be proposed. Similarly, the standards set by federal agencies are useful benchmarks for the finders of fact in particular tort cases, although compliance with federal standards are generally only evidence of due care, not an absolute defense. *See generally* RESTATEMENT (SECOND) OF TORTS § 288(C)(1964). That is as it should be, for the regulatory system and the tort system complement each other, helping to anticipate problems before they occur and providing relief when accidents do happen.

Petitioners' argument might have some appeal if we lived in a world where perfect regulation was the norm, *i.e.*, where agencies always have access to data enabling them to pinpoint precisely what problems should be solved and in what order, so as to advance public safety to the greatest extent possible; where agencies never lack the personnel, technical data, and other resources needed to deal with potential safety hazards; where regulations are immediately issued once the agency identifies a problem requiring a solution; where rules are swiftly updated to reflect design changes (as in the automobile industry), technological advances, or scientific knowledge in the field; where regulatory decisions are made by politically insulated agencies, free from untoward pressure from congressional committees and powerful industry lobbying groups; and where rules operate perfectly without unintended consequences or trade-offs.

There are a number of reasons why the regulatory system does not always work that way and why the Court should reject the implicit notion that Congress viewed the tort system as somehow at war with federal regulations in those areas where the regulators have taken some action to deal with a safety problem. As a way of understanding why this is so, let us start with the fact that the process of setting federal safety standards can be time-consuming. At the

outset, the agency must obtain enough information to make a preliminary judgment that there is a problem of sufficient magnitude to warrant a rulemaking proceeding. In making this judgment, as well as any subsequent judgments about whether and how to proceed, there is often an information gap between the agency and the regulated industry that can affect the pace and ultimate disposition of any regulatory effort. The regulated industry almost invariably has greater information and technical expertise than its regulators, who face a constant challenge in trying to extract information with which to make their own informed judgment. Nor does industry have any incentive to furnish objective, unbiased information to regulators.

The "information gap" problem is complicated by the fact that various agencies cannot generally compel the production of information, except in the context of an enforcement proceeding. Even for agencies which can compel the production of documents, they must operate in a way that is mindful of the strictures of the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, which complicates the data-collection activities of agencies and is often invoked by the regulated industry as a way to prevent agencies from obtaining data needed to initiate a rulemaking proceeding.[2]

Moreover, in most instances, a regulated industry will have little incentive to volunteer the data that an agency needs, and experience suggests that the industry devotes most

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[2] One example illustrates our point. Although silicone-gel breast implants had been on the market for decades, the FDA had not conducted a review of their safety—even after the passage of the Medical Device Amendments of 1976, 21 U.S.C. §§ 360c *et seq.*, clearly gave the agency authority. The FDA's inquiry into the safety of the implants was largely sparked by data casting doubt on the safety of the implants obtained by lawyers handling product liability cases, who in turn submitted it to the FDA. *See* DeBenedictis, *FDA Action Spurs Implant Suits*, 78 A.B.A.J. 20 (March 1992).

of its energy to persuading the agency *not* to regulate, indeed, not even to open a rulemaking proceeding. It is very rare to see an industry initially respond to potential rulemaking initiatives by saying "We don't think there is a need to regulate, but here are all the data you need, and if you decide to regulate, here are several approaches you could try."[3]

Apart from these practical limitations on obtaining adequate information with which to regulate, the rulemaking process suffers from delays as a result of various requirements imposed on agencies under the Administrative Procedure Act or the agency's organic statute, which are designed to incorporate certain "due process" guarantees into the process. In addition, exogenous statutes such as the Paperwork Reduction Act, the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*, and the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*, impose additional requirements that the agency must factor into its calculus about whether and how to regulate. Also, since at least 1981, agencies have had to follow the dictates of Executive Orders that add additional procedural requirements agencies must follow as a precondition for issuing a rule.[4]

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[3] To be sure, if it subsequently becomes clear that an agency firmly intends to issue a standard, the affected industry may grudgingly provide information indicating what (from its view) would be the most cost-effective or least intrusive way to proceed, but such data rarely appears as the industry's initial response after a regulation is proposed.

[4] Indeed, out of concern that the rulemaking process has become "ossified" or overly "encrusted," the prestigious Administrative Conference of the United States has urged Congress to refrain from enacting any new procedural requirements that further encumber the rulemaking process. Administrative Conference of the United States, Conference Recommendation 93-4, *Improving the Environment for Agency Rulemaking* (1993).

Thus, it can and does take years to draft and adopt major safety standards. *See, e.g., Public Citizen Health Research Group v. Auchter,* 702 F.2d 1509 (D.C. Cir. 1983); 796 F.2d 1479 (1986); 823 F.2d 626 (1987)(describing OSHA's halting, multi-year efforts to impose a standard for ethylene oxide). This factor is relevant here for several reasons. First, agencies have finite resources, and there is only a limited number of safety standards that an agency can issue in a given year. Second, even if an agency adopts a rule requiring use of today's state-of-the-art technology, subsequent changes in technology or scientific knowledge may render that rule an anachronism in terms of the level of safety that should be required. Third, as a practical matter, the agency's limited resources may preclude it from revisiting existing rules which have become outmoded because of technological or scientific advances.[5]

Equally problematic is the fact that agency rules are often issued with a clear understanding that they do not fully protect the public from unreasonable risks. For instance, the vast majority of OSHA's health standards are based on industry consensus standards adopted by the agency on a wholesale basis in the early 1970s under 29 U.S.C. § 655(a). *See AFL-CIO v. OSHA,* 965 F.2d 962 (11th Cir. 1992)(invalidating OSHA's effort to update these standards without full-scale rulemaking). These standards were recognized as inadequate when they were adopted over 20 years ago, and,

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[5] OSHA's rulemaking experience is instructive in this regard. Since its creation in 1971, OSHA has issued barely two dozen regulations governing the permissible level of worker exposure to toxic substances. The slow pace of OSHA's rulemaking is directly attributable to the factors canvassed above. *See* Thomas O. McGarity and Sidney A. Shapiro, WORKERS AT RISK: THE FAILED PROMISE OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (Praeger, 1993).

by now, they are even more woefully out of date.[6] Nonetheless, under petitioners' theory, workers injured by exposure to high levels of these substances should be stripped of their state law remedies, merely because OSHA has some "standard" covering them.

Thus, a rule of law under which federal safety standards set a ceiling on the protection available pursuant to state tort laws would create perverse results that Congress could not have intended when it enacted the Highway Safety Act in 1966. According to the reading advanced by petitioners and their *amici*, accident victims are able to recover fully for their injuries under state tort law so long as NHTSA fails to adopt a rule on a given topic. However, once a rule on that topic is enacted, accident victims would lose their right to hold a manufacturer who complied with the federal standard liable for their injuries, even in cases where the manufacturer knew that the injury could have been prevented by using an inexpensive, off-the-shelf technology. It is difficult to believe that Congress's decision to empower NHTSA to adopt safety standards designed to prevent injury was also a license to deprive accident victims of recovery when readily available measures would have prevented the injury.

There is a separate reason for rejecting the notion that a federal safety standard should preempt a manufacturer's liability in a tort case. Let us take the type of situation that petitioners might regard as their strongest case, *e.g.*, FDA pre-clearance of medical devices before those devices are licensed for use by the public, or the FAA's process for

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[6] Indeed, the Senate Report on this section of the Occupational Safety and Health Act recognized the interim nature of these standards: "a large proportion of the voluntary standards are seriously out-of-date. Many represent merely the lowest common denominator of acceptance by interested private groups." S. Rep. No. 91-1282, 91st Cong., 2d Sess. 6 (1970), *reprinted in* [1970] U.S. Code Cong. & Admin. News 5177, 5182.

certifying that a new aircraft type meets federal airworthiness standards and should be available for use by the flying public. Suppose that design defects, latent flaws, or other problems turn up or are not addressed in an agency's preclearance review process. According to petitioners, if the manufacturer knew of the problem, but nonetheless took no action to correct it, a tort victim would still go remediless.

Let us take real-life examples. For instance, suppose the FDA approved the design of a heart valve for use on humans, yet, when used, the valve failed at an unacceptably high rate because of manufacturing defects. Or suppose that a manufacturer of heart catheters fraudulently obtained the FDA's marketing approval by failing to provide the agency with data showing that the catheter had a propensity to malfunction in a way that could cause serious harm or deaths to patients. There have been a number of decisions by federal courts of appeals on the question of whether the Medical Device Amendments to the Food, Drug and Cosmetic Act, 21 U.S.C. § 360c *et seq.*, in precisely these circumstances preempt state law tort law remedies for products that have been approved for use by the Food and Drug Administration, but, in practice, have proven to pose unreasonable risks to patients. Although the circuit courts are split on this issue, *compare, e.g., Mendes v. Medtronic, Inc.*, 18 F.3d 13 (1st Cir. 1994), *with National Bank of Commerce of El Dorado v. Kimberly-Clark Corp.*, __F.3d___, 1994 WL 580798 (8th Cir., Oct. 25, 1994), the FDA has now taken the position—apparently with the approval of the Solicitor General—that there is no broad preemption. *See* Brief for the United States as *Amicus Curiae* in *Linda Talbot et al. v. C.R. Bard et al.*, No. 94-1951 (1st Cir.). The core reason cited by the government is the same we argue here—namely, that federal regulatory requirements do nothing to compensate injured victims, and that courts should be particularly hesitant to conclude that Congress intended to deprive tort victims of their state law remedies unless there has been a clear and definitive statement by Congress to that effect.

Similarly, the Federal Aviation Administration requires aircraft manufacturers to satisfy airworthiness standards before a new aircraft type can be certified for use in commercial aviation. Under one FAA rule, 14 C.F.R. § 25.803(c) and Part 25, App. J (1994), a manufacturer must run a test demonstrating that a planeload of passengers can be evacuated within 90 seconds with half the exit doors blocked. Inevitably, the test will not replicate the actual cabin environment after a crash. In the first place, participants know in advance they are taking part in a test, so there is not the panic or disorientation which can occur in real accidents. Moreover, the rule requires only "minor obstructions" (such as blankets and pillows) in the aisles or near the exists. 14 C.F.R. Pt. 25, App. J(k). In a real test, passengers may have to climb over seats which are dislodged by the crash and block the aisles; passengers may also have to deal with smoke and toxic fumes, which often fill the cabin in survivable accidents where fire is present. Finally, the rule does not limit a manufacturer to one test only, so it is possible to keep running this test as many times as is needed until everyone gets out within 90 seconds.

Under petitioners' theory, the fact that a manufacturer can meet this test once, even after many failures, would bar any state tort claim which has the effect of challenging the FAA rule as inadequate, even if the FAA test bears little relation to what happens in an actual crash. The irony of this argument is illustrated when one also considers how in October 1991, during a test designed to prove that McDonnell Douglas's MD-11 aircraft should be approved as safe for public use, 44 people were injured and one person paralyzed during a controlled evacuation of the sort described above. *See* Ralph Nader and Wesley Smith, COLLISION COURSE: THE TRUTH ABOUT AIRLINE SAFETY 188-89 (1994).

Accordingly, even if an agency has adopted detailed safety standards on every known hazard within its jurisdiction, and even if an agency has elaborate pre-clearance

review processes that a manufacturer must pass before its products are used by consumers, those efforts may still be inadequate to protect public safety. And, because automobile manufacturers subject to the Highway Safety Act do not have to obtain premarket clearance of their vehicles, even though they regularly make significant changes affecting a vehicle's safety performance, there is surely no basis to conclude that Congress intended to transform NHTSA's regulatory floor into a ceiling on tort standards.

B. Regulatory Preemption May Be Found, If At All, Only In Situations Far Removed From the One Here.

In this section of the brief, we address the question of whether, and under what circumstances, an agency's decision to regulate may be treated both as a ceiling as well as a floor on a state's ability to impose tort liability. Although that is petitioners' core contention, we do not believe that question is presented in this case for a single yet critical reason: Unlike many other statutes, the Highway Safety Act contains an express "savings clause," 49 U.S.C. § 30103, which states emphatically that "Compliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law."

However, Public Citizen does not take the position that there are no situations in which an agency's decision to regulate should not be treated as a ceiling as well as a floor —just that those situations are few and far between. The current case, involving NHTSA's regulation of air brakes, provides a useful point of reference. In 1978, the Ninth Circuit struck down an earlier version of NHTSA's rule (FMVSS 121) requiring antilock brakes on all trucks and trailers, citing evidence indicating that antilock brakes were potentially more hazardous than standard brakes and remanding the rule to NHTSA for further consideration. *Paccar, Inc. v. NHTSA*, 573 F.2d 632 (9th Cir.), *cert. denied*, 439 U.S. 862 (1978). On remand, the agency conceivably could

have issued a rule forbidding the use of antilock brakes on trucks. In that event, conflict preemption principles might bar a tort claim based on the failure to have air brakes on a truck, although such a defense would have to surmount the hurdle of the Act's savings clause. But NHTSA did not issue such a rule, as petitioners concede, and thus all of petitioners' discussion of "conflict" preemption is irrelevant to this case.[7]

Regulatory preemption in a given situation might thus occur in another way as well. Suppose that in the course of a rulemaking proceeding, the FDA decided that only synthetic materials can be used for heart valves; the use of natural valves, from pigs and other animals would not be approved, because, on balance, synthetic valves were deemed superior. In that situation, if FDA made a clear-cut choice about the material to be used to manufacture heart valves, it might plausibly conclude that it would be unreasonable to allow juries to second-guess that choice by saying that synthetic valves were unsafe because another material had not been chosen. The agency might feel particularly confident in preempting state law if its analysis of the choices pointed clearly in one direction. In that situation, the FDA might reasonably determine that it was necessary not simply to make a choice, but to preclude the tort system from making a contrary one.

Assuming that such a decision was within FDA's statutory authority, and further assuming that the FDA wished to implement that policy choice, the agency should be required to do so explicitly in the regulation itself, with an explanation of its rationale for preempting tort laws as part of its statement of its reasons for the rule, as well as a definitive statement regarding the scope of preemption. This would not be a new requirement. In fact, in *Hillsborough County v. Automated Medical Laboratories, Inc.*, 471 U.S. 707 (1985), this Court indicated that it would be desirable for agencies to articulate the intended preemptive effect of their regulations, noting that, as a practical matter, it is easier for agencies to address such questions when drafting rules than it is for Congress to address these detail issues when drafting a statute. *Id.* at 721.

[7] The airbags illustration used by petitioners and their *amici* is similarly inapt. At no point did NHTSA *forbid* the installation of airbags, and hence it was always physically possible for automobile manufacturers to comply simultaneously with NHTSA requirements and state tort law.

If agencies were to consider regulatory preemption issues as part of individual rulemaking proceedings, manufacturers and the public alike would have an opportunity to discuss preemption matters at the time a standard is issued, rather than having the issue arise through the back door many years later, as the Department of Transportation has sought to do on occasion regarding passive restraints. Thus, in cases of actual impossibility of compliance with both a state-developed tort standard and a federal regulatory standard, preemption may be justified, but only in rare circumstances, and then only if the agency both has been empowered to preempt by Congress and has explicitly made such a choice when promulgating the federal standard.

* * *

In assessing petitioners' theory, it is important to understand that there is one vital fact petitioners conveniently overlook. No matter how perfect the regulatory system may be, it does not and cannot provide compensation for the injuries that regulations do not succeed in preventing. That is the function of the tort system. While standard-setting disciplines the market prospectively, the tort system reviews the reasonableness of a defendant's conduct and asks whether that conduct, if it fails the test of reasonableness, caused the injuries to the plaintiff. One consideration that a trier of fact will certainly take into account is whether the defendant complied with applicable safety standards. Thus, a ruling in favor of respondents will not strip petitioners of the defense that their conduct was reasonable because it was consistent

with applicable safety standards. But, as we have shown, compliance with existing safety standards is not a guarantee that the product does not pose an unreasonable risk. Accordingly, in a real sense, the two systems are complementary, in that they both provide powerful incentives for manufacturers to make their products more safe.

Finally, it bears emphasis that the opportunities for discovery and cross-examination in civil litigation allow for a more fine-tuned process of information gathering that the regulatory process. In a tort action, especially where the victim is seriously injured, there is every incentive to take extensive discovery and ferret out the truth. As we noted, agencies have a number of handicaps in gathering information from industry; limited resources, patchwork statutory authorization, and little, if any, opportunity to examine industry experts. In sharp contrast, in litigation, the plaintiff has full authorization to discover all relevant information, through subpoenas, depositions and document requests. In short, combining the incentive to gather evidence with the power of the court to compel discovery makes the tort system a extraordinarily powerful engine of determining whether products are unreasonably unsafe.

The history of regulation is clear that, but for many civil tort cases, inadequate regulation of specific products would have continued. It is this final aspect of the tort system that underscores how it goes hand in hand with the work of regulatory agencies and why Congress was so eminently reasonable in concluding that there should be no preemption of civil claims for damages based on an existing NHTSA regulation.

CONCLUSION

For the reasons given above and in the brief of respondents, the judgment below should be affirmed.

Respectfully submitted,

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